



CIVIL AIR PATROL
NATIONAL HEADQUARTERS
MAXWELL AFB AL 36112-6332

CAP REGULATION 62-2 (E)

8 NOVEMBER 2002

Safety

MISHAP REPORTING AND INVESTIGATION

This regulation outlines mishap reporting and mishap board investigation procedures. It also provides for assessment of pecuniary liability. **Note: Shaded areas identify new or revised material.**

1. Policy. The overall purpose of mishap reporting and investigation is mishap prevention. Prompt notification and reporting of all CAP mishaps to the appropriate officials is mandatory. When serious injury or death is involved, there will be no formal or informal investigation conducted by CAP unless directed by National Headquarters.

2. Mishap. An unplanned or unsought event, or series of events, that results in death, injury, or damage to or loss of equipment or property.

3. Mishap Classification:

a. Bodily Injury. These are personal injury mishaps resulting from aircraft or vehicle accidents or incidents, falls, slips, being struck by an object, sport injuries, etc. Non-traumatic illnesses (i.e., poisoning, inhalation, or absorption of hazardous materials, etc.) that occur as a result of CAP activities will be reported as bodily injuries. (See attachment 1 for a list of mishaps that are reportable on a CAPF 78, *Mishap Report Form*.)

b. Property Damage. A mishap associated with:

1) Aircraft.

a) Flight. Mishaps involving the operation of corporate or member-furnished aircraft during CAP activities, which take place between the time any person boards the aircraft with the intention of flight until such time as all persons have disembarked. These mishaps are classified as accidents or incidents, depending on the severity. The definition of an aircraft accident is found in National Traffic Safety Board (NTSB) regulation, part 830 (attachment 2). Mishaps where flight is intended, which are not classified as accidents by the NTSB, are recorded as incidents.

b) Ground. Accidents involving aircraft with no intent of flight, for example, tie-downs fail and aircraft is blown over by wind, aircraft is run into by a tug while parked, etc.

c) Other. Certain events are deemed important enough to trend for mishap prevention despite the fact they do not meet mishap-reporting criteria. Report the following events:

- Loss of thrust sufficient to prevent level flight at a safe altitude.
- Emergency or precautionary landing.
- Unintentional departure from a runway or taxiway.
- Unintentional departure from controlled flight.
- In-flight loss of all pitot-static instrument indications.
- In-flight loss of all attitude instrument indications.
- Any physiological episode that affects the pilot's ability to safely complete the flight.

2) Vehicles. Ground mishaps involving corporate or member-owned vehicles during CAP activities, including damage to structures such as buildings, fences, etc.

c. Other. Damage to or loss of equipment not resulting in personal injury will be reported and accounted for in accordance with CAPR 67-1, *Civil Air Patrol Supply Regulation*.

4. CAP Mishap Notification Procedures:

d. The unit or activity commander will immediately notify the wing commander and wing safety officer in accordance with the procedures outlined in the wing's accident reporting procedures when any mishap occurs during a CAP activity.

e. Wing commanders or their designees will immediately notify National Headquarters of all accidents involving substantial damage, serious injury or death. Notify the National Operations Center, (NOC), by calling toll-free at 888-211-1812 (24 hrs/day). The NOC will notify NHQ CAP/DO and CAP-USAF/XO, who will notify NHQ CAP/EX and CAP-USAF/CC respectively.

Supersedes CAPR 62-2, 15 September 1999.

OPR: DOR

Distribution: In accordance with CAPR 5-4.

In addition, the wing will also immediately notify their state director's office, and both the CAP-USAF liaison region and CAP region commanders or their designees of all aircraft accidents or incidents, and all other mishaps involving death and/or serious injury.

f. If a CAP corporate aircraft is damaged and a Hull Self Insurance (HSI) claim will be made, refer to CAPR 900-6 for additional reporting requirements.

g. If a CAP corporate vehicle is damaged and a Vehicle Self Insurance (VSI) claim will be made, refer to CAPR 900-7 for additional reporting requirements.

h. Wings will develop mishap-reporting procedures, publish in a letter or supplement to this regulation and comply with the procedures when reporting a mishap.

5. CAPF 78 Mishap Reporting Procedures:

i. **Mishaps.** Unit or activity commanders are responsible for completing and submitting a CAPF 78, within 48 hours of the mishap. A logic tree for mishap reporting/investigation (attachment 3) will help determine reporting and investigation requirements. The CAPF 78 is an important legal document, which must be completed correctly and copies submitted to the wing commander, state director's office, CAP-USAF liaison region and CAP region commander, NHQ CAP Chief of Safety and General Counsel, and CAP-USAF Director of Safety. Failure to send the CAPF 78 could result in the member being held personally responsible for damages or medical expenses incurred and withdrawal of Air Force assigned mission status.

j. **Death or Serious Injury.** In all cases involving death or serious bodily injury arising out of CAP activities, the preparation of the CAPF 78 must be coordinated with General Counsel (NHQ CAP/GC) (usually by telephone) before it is submitted. The General Counsel pager number is 888-519-8338. Responsibility for the distribution of the CAPF 78 after coordination rests with the appropriate unit commander.

k. **Member-Owned/Furnished Vehicles.** Civil Air Patrol member-owned/furnished vehicles may not be used in CAP activities unless the unit commander gives specific written approval. Transportation to and from CAP meetings, encampments, and other activities in member-owned/furnished vehicles is deemed personal transportation and not CAP's responsibility. CAPF 78 should not be completed in such cases unless previously coordinated with NHQ CAP/GC.

l. **Preparation of CAPF 78.** All sections should be completed. The "Account of the Mishap" section should contain the basic information of the event without any reference to cause, fault, or blame. Be sure to verify the person authorizing the activity or movement of the aircraft, vehicle, etc. Telephone numbers of that person and the individual completing the report should be included.

m. **NTSB Investigations.** Although the Pilot In Command (PIC) is ultimately responsible for notifying the NTSB of an aircraft accident and those specific incidents listed in CFR Title 49, Paragraph 830.5 (attachment 2) to the nearest NTSB office, wing commanders will ensure that this reporting occurs in a timely manner. All reports will be brief and without reference to fault or liability. The following documents should be collected, and if requested, made available to the NTSB investigator:

- 1) All Aircraft Records
 - a) Aircraft Information File
 - b) Registration
 - c) Airworthiness Certificate
 - d) Engine Records
 - e) Airframe Records
- 2) CAP And Pilot Records
 - a) CAP Personnel Records
 - b) Pilot's Personal Flight Log
 - c) Pilot's FAA and Medical Certificate
 - d) Pilot's Past Flight Checks
- 3) Flight Release Documentation
 - a) CAPF 9, *Release (For Non CAP Members)*
 - b) CAPF 84, *Counterdrug Mission Flight Plan/Briefing Form*
 - c) CAPF 99, *CAP Flight Release Log*
 - d) CAPF 104, *Mission Flight Plan/Briefing Form*
 - e) CAPF 107, *Flight Operations Log*
 - f) Other Preflight Briefing Documents

6. Mishap Investigation:

n. Death or Serious Bodily Injury Cases. No CAP formal or informal investigation shall be conducted in cases involving death or serious injuries incurred during CAP activities without the prior approval of General Counsel.

o. Investigation Procedures:

1) Subject to the restrictions dealing with serious injuries and death cases outlined in 6a above, wing commanders must investigate incidents or accidents that arise out of CAP activities within their wings. The primary purpose of the investigation should be to determine how to prevent similar mishaps from recurring. The wing commander may use one member to investigate, or in appropriate and more serious cases, may appoint a Board of three or more members. The most qualified members available should be used to conduct an investigation. Qualified means a member who has the experience, knowledge, and training relevant to the accident or mishap.

2) If a Board of three or more members is appointed, it should use the CAP Mishap Board Procedures (attachment 4) in conducting its hearing and investigation.

3) The investigations will be conducted as quickly as possible and the investigator or board members will use common sense and judgment throughout the process. The investigation will determine the sequence of events leading to the mishap (findings), and the events or acts of commission or omission which, done differently, could have prevented the mishap (causes). In addition, the investigation report will state recommendations, which directly address the causes and would prevent a similar mishap. Vehicle accident investigation reports should include a copy of the local police report, if available. The report, when completed, should be forwarded to the wing commander for action with the completed CAPF 79, *CAP Mishap Investigation Form*, as the cover sheet. The investigator or board forwards a copy to the wing commander for review and action. The wing commander may return the report for further action if necessary. After wing commander approval, the copy will be forwarded to the CAP region commander for review and approval. After the CAP region commander completes the CAPF 79, copies will be sent to the wing commander, CAP-USAF liaison region commander, NHQ CAP Chief of Safety and General Counsel, liaison office, and CAP-USAF Director of Safety. The completed report should reach National Headquarters within 35 days of the mishap. The CAP-USAF Commander will review all actions taken against CAP personnel when damage estimates exceed \$500.

7. Suspension of CAP Flying Privileges: Any CAP pilot who is involved in an aircraft mishap while on a CAP flight activity shall not participate in any CAP flight activity pending the results of an investigation into the mishap. See CAPR 60-1, *CAP Flight Management*, for reinstatement procedures.

4 Attachments

1. Definitions of Reportable Bodily Injuries
2. Title 49 Transportation
3. Logic Tree for Mishap Reporting/Investigation
4. CAP Mishap Board Procedures

SUMMARY OF CHANGES.

This revision establishes the requirement to report certain events that do not necessarily meet the criteria of a reportable mishap, so knowledge of their occurrence can enhance mishap prevention. Requirements for reporting mishaps and investigation results are changed to comply with the USAF/CAP Statement of Work (SOW). A mandatory review by the CAP-USAF Commander is established for all actions taken against CAP personnel when damage estimates exceed \$500. Removes reference to assessment for loss or damage.

Definitions of Reportable Bodily Injuries

The following list is to be used as a guide in reporting bodily injuries experienced by CAP members during normal CAP activities. This list is not to be used as a reference for injuries received in aircraft or vehicle mishaps; those injuries should be reported as part of the mishap. The unit safety officer will keep a log of non-reportable injuries.

1. Bodily injuries to be reported on CAPF 78. All deaths or serious injuries are to be reported immediately, followed by a CAPF 78. * Denotes serious injury IAW CFR Title 49, NTSB paragraph 830.2.

- a. All broken bones. *(All fractures are serious injuries except simple fractures of nose, fingers or toes.)
- b. All lacerations requiring sutures. *(Severe hemorrhage.)
- c. Injuries involving internal organ damage.
- d. All injuries that result in a loss of consciousness (not including fainting).
- e. Insect bites that result in adverse reactions.
- f. Injuries to the eyes, ears, throat, or head, including foreign objects in the eye.
- g. Back injuries caused by improper lifting, twisting, etc.
- h. All burns of second degree or greater severity or burns affecting more than 5% of the body.
- i. All cases of injuries caused by inhalation, absorption, ingestion or contact of hazardous materials.
- j. Poisoning of any kind.
- k. All cases of heatstroke, sunstroke, heat exhaustion, frostbite, or hypothermia.
- l. All injuries resulting in hospitalization for 24 hours or more. *(Hospitalization greater than 48 hours.)
- m. All dislocated bones/joints. *(Severe nerve, muscle or tendon damage.)

2. Non-reportable bodily injuries. No CAPF 78 required. (Generally considered first-aid type injuries.) These injuries will be recorded on a log by the unit safety officer and do not require a CAPF 78 to be completed.

- a. Non-reactive insect bites or stings, i.e., simple bee stings or spider bites.
- b. Fainting where there is no lasting trauma, i.e., fainting during drill exercises, etc.
- c. Simple sprains, muscle pulls, muscle spasms.
- d. Upset stomach, sore throat, stiff neck.
- e. Intentionally self-inflicted injuries, i.e., hitting the wall with the fist, fighting, etc.
- f. Minor sports or activity injuries such as black eyes, bruises, sore muscles, bloody nose, skinned knees, scrapes, minor cut lips, fishhook in finger, etc.
- g. Crushing injuries to fingers or toes where no bone is broken, i.e., mashing finger in car door, etc.
- h. Minor nicks and cuts.
- i. Sunburn, poison ivy, poison oak, etc.
- j. Asthma attacks.
- k. Other minor injuries of similar nature to those listed above. Good judgment should be a guide as to what injuries should be reported.

[Code of Federal Regulations]

[Title 49, Volume 5, Parts 400 to 999]

[Revised as of October 1, 1997]

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TITLE 49--TRANSPORTATION

CHAPTER VIII--NATIONAL TRANSPORTATION SAFETY BOARD

PART 830--NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS OR INCIDENTS AND OVERDUE AIRCRAFT, AND PRESERVATION OF AIRCRAFT WRECKAGE, MAIL, CARGO, AND RECORDS

Subpart A--General

Sec.

830.1 Applicability.

830.2 Definitions.

Subpart B--Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

830.5 Immediate notification.

830.6 Information to be given in notification.

Subpart C--Preservation of Aircraft Wreckage, Mail, Cargo, and Records

830.10 Preservation of aircraft wreckage, mail, cargo, and records.

Subpart D--Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

830.15 Reports and statements to be filed.

Authority: Federal Aviation Act of 1958, as amended (49 U.S.C. 40101 et seq.), and the Independent Safety Board Act of 1974, as amended (49 U.S.C. 1101 et seq.).

Source: 53 FR 36982, Sept. 23, 1988, unless otherwise noted.

Subpart A--General

Sec. 830.1 Applicability.

This part contains rules pertaining to:

- (a) Initial notification and later reporting of aircraft incidents and accidents and certain other occurrences in the operation of aircraft, wherever they occur, when they involve civil aircraft of the United States; when they involve certain public aircraft, as specified in this part, wherever they occur; and when they involve foreign civil aircraft where the events occur in the United States, its territories, or its possessions.
- (b) Preservation of aircraft wreckage, mail, cargo, and records involving all civil and certain public aircraft accidents, as specified in this part, in the United States and its territories or possessions.[60 FR 40112, Aug. 7, 1995]

Sec. 830.2 Definitions.

As used in this part the following words or phrases are defined as follows:

- Aircraft accident means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.
- Civil aircraft means any aircraft other than a public aircraft.
- Fatal injury means any injury which results in death within 30 days of the accident.
- Incident means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations.
- Operator means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.
- Public aircraft means an aircraft used only for the United States Government, or an aircraft owned and operated (except for commercial purposes) or exclusively leased for at least 90 continuous days by a government other than the United States Government, including a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of that government. "Public aircraft" does not include a government-owned aircraft transporting passengers other than: transporting (for other than commercial purposes) crewmembers or other persons aboard the aircraft whose presence is required to perform, or is associated with the performance of, a governmental function such as firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management; or transporting (for other than commercial purposes) persons aboard the aircraft if the aircraft is operated by the Armed Forces or an intelligence agency of the United States. Notwithstanding any limitation relating to use of the aircraft for commercial purposes, an aircraft shall be considered to be a public aircraft without regard to whether it is operated by a unit of government on behalf of another unit of government pursuant to a cost reimbursement agreement, if the unit of government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation was necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator was reasonably available to meet the threat.
- Serious injury means any injury which: (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (3) causes severe hemorrhages, nerve, muscle, or tendon damage; (4) involves any internal organ; or (5) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.
- Substantial damage means damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this part. [53 FR 36982, Sept. 23, 1988, as amended at 60 FR 40112, Aug. 7, 1995]

Subpart B--Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

Sec. 830.5 Immediate notification.

The operator of any civil aircraft, or any public aircraft not operated by the Armed Forces or an intelligence agency of the United States, or any foreign aircraft shall immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board (Board) field office \1\ when:

 \1\ The Board field offices are listed under U.S. Government in the telephone directories of the following cities: Anchorage, AK, Atlanta, GA, West Chicago, IL, Denver, CO, Arlington, TX, Gardena (Los Angeles), CA, Miami, FL, Parsippany, NJ (metropolitan New York, NY), Seattle, WA, and Washington, DC.

(a) An aircraft accident or any of the following listed incidents occur:

- (1) Flight control system malfunction or failure;
- (2) Inability of any required flight crewmember to perform normal flight duties as a result of injury or illness;

- (3) Failure of structural components of a turbine engine excluding compressor and turbine blades and vanes;
- (4) In-flight fire; or
- (5) Aircraft collide in flight.
- (6) Damage to property, other than the aircraft, estimated to exceed \$25,000 for repair (including materials and labor) or fair market value in the event of total loss, whichever is less.
- (7) For large multiengine aircraft (more than 12,500 pounds maximum certificated takeoff weight):
 - (i) In-flight failure of electrical systems which requires the sustained use of an emergency bus powered by a back-up source such as a battery, auxiliary power unit, or air-driven generator to retain flight control or essential instruments;
 - (ii) In-flight failure of hydraulic systems that results in sustained reliance on the sole remaining hydraulic or mechanical system for movement of flight control surfaces;
 - (iii) Sustained loss of the power or thrust produced by two or more engines; and
 - (iv) An evacuation of an aircraft in which an emergency egress system is utilized.
- (b) An aircraft is overdue and is believed to have been involved in an accident.[53 FR 36982, Sept. 23, 1988, as amended at 60 FR 40113, Aug. 7, 1995]

Sec. 830.6 Information to be given in notification.

The notification required in Sec. 830.5 shall contain the following information, if available:

- (a) Type, nationality, and registration marks of the aircraft;
- (b) Name of owner, and operator of the aircraft;
- (c) Name of the pilot-in-command;
- (d) Date and time of the accident;
- (e) Last point of departure and point of intended landing of the aircraft;
- (f) Position of the aircraft with reference to some easily defined geographical point;
- (g) Number of persons aboard, number killed, and number seriously injured;
- (h) Nature of the accident, the weather and the extent of damage to the aircraft, so far as is known; and
- (i) A description of any explosives, radioactive materials, or other dangerous articles carried.

Subpart C--Preservation of Aircraft Wreckage, Mail, Cargo, and Records

Sec. 830.10 Preservation of aircraft wreckage, mail, cargo, and records.

- (a) The operator of an aircraft involved in an accident or incident for which notification must be given is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including all recording mediums of flight, maintenance, and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen until the Board takes custody thereof or a release is granted pursuant to Sec. 831.12(b) of this chapter.
 - (b) Prior to the time the Board or its authorized representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail, or cargo may not be disturbed or moved except to the extent necessary:
 - (1) To remove persons injured or trapped;
 - (2) To protect the wreckage from further damage; or
 - (3) To protect the public from injury.
 - (c) Where it is necessary to move aircraft wreckage, mail or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the original positions and condition of the wreckage and any significant impact marks.
 - (d) The operator of an aircraft involved in an accident or incident shall retain all records, reports, internal documents, and memoranda dealing with the accident or incident, until authorized by the Board to the contrary.
- Subpart D--Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

Sec. 830.15 Reports and statements to be filed.

(a) Reports. The operator of a civil, public (as specified in Sec. 830.5), or foreign aircraft shall file a report on Board Form 6120.\1/2\ (OMB No. 3147-0001) \2\ within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report on an incident for which immediate notification is required by Sec. 830.5(a) shall be filed only as requested by an authorized representative of the Board.

\2\ Forms are available from the Board field offices (see footnote 1), from Board headquarters in Washington, DC, and from the Federal Aviation Administration Flight Standards District Offices.

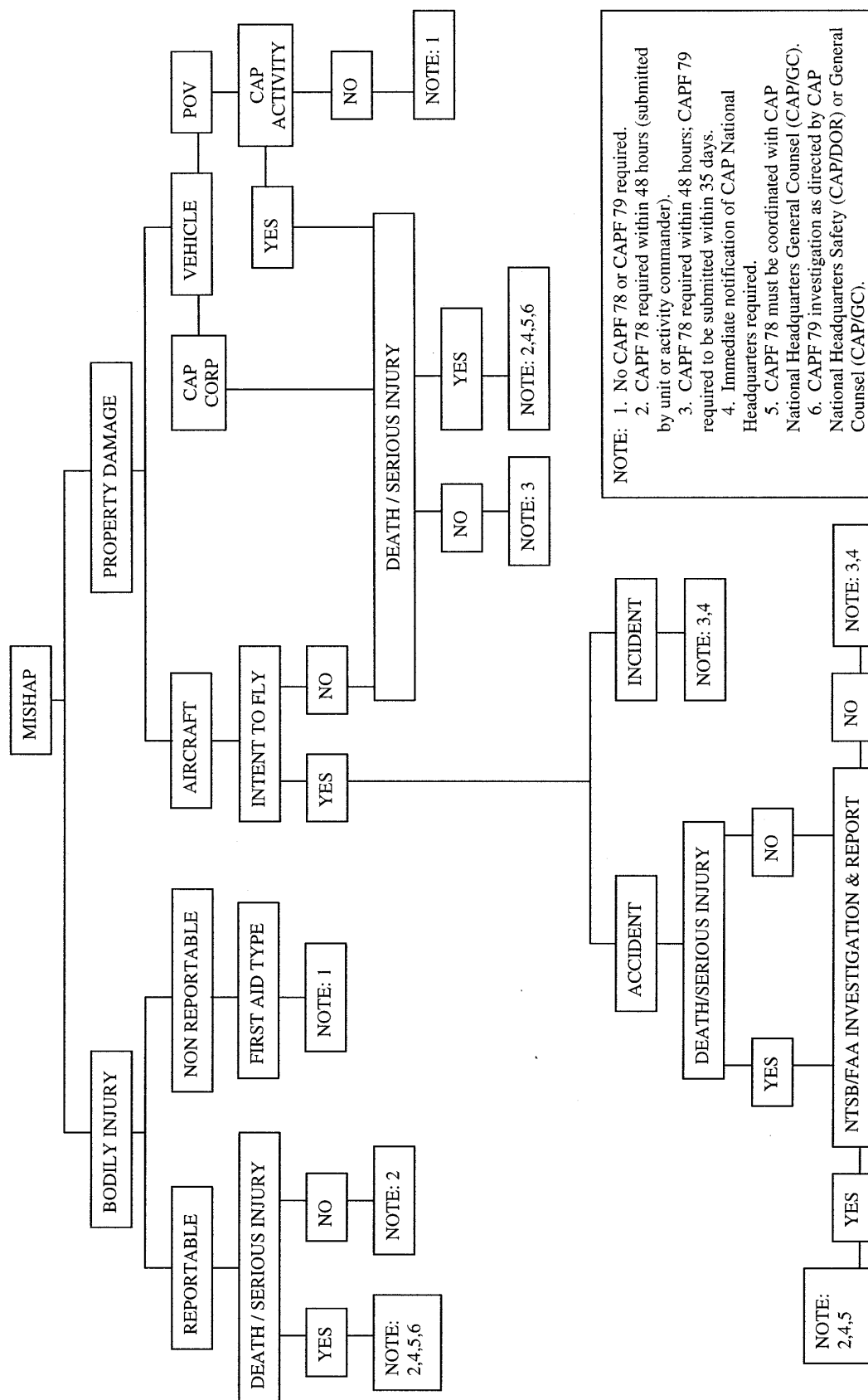
(b) Crewmember statement. Each crewmember, if physically able at the time the report is submitted, shall attach a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him. If the crewmember is incapacitated, he shall submit the statement as soon as he is physically able.

(c) Where to file the reports. The operator of an aircraft shall file any report with the field office of the Board nearest the accident or incident.[53 FR 36982, Sept. 23, 1988, as amended at 60 FR 40113, Aug. 7, 1995]

Logic Tree For Mishap Reporting/Investigation

CIVIL AIR PATROL MISHAP REPORTING / INVESTIGATING

(Notification of Wing, Region, and Liaison Region Commanders must be accomplished prior to contacting CAP National HQ)



CAP Mishap Board Procedures

1. THE APPOINTING AUTHORITY: The wing commander is the appointing authority for Boards involving wing personnel. The region commander is the appointing authority for Boards involving region personnel. All Boards should be appointed on orders listing the board members and purpose of the investigation.

2. THE APPEAL AUTHORITY: The appeal authority is the next higher commander in the chain of command of the appointing authority.

3. THE RESPONDENT: The appointing authority or the chairperson of the Board may name one or more individuals as respondents depending on the circumstances of the investigation. A respondent is an individual who may be held accountable, pecuniary liable, or subject to discipline or adverse membership actions as a result of the matter under investigation.

4. HEARING BOARD COMPOSITION: The Board shall consist of three or more officers appointed by the appointing authority. The senior officer will be appointed chairperson.

5. USE OF CAP LEGAL OFFICERS: The use of CAP legal officers is encouraged in the various stages of Board hearing proceedings, including preliminary screening of cases and use as nonvoting Board advisers. If a respondent employs a lawyer for representation in the Board proceeding, the appointing authority shall appoint a CAP legal officer to represent CAP's interest as a presenter of the case and/or as a nonvoting Board adviser.

6. SERVICE OF NOTICE: All notices or decisions shall be served personally or sent by first class mail to the last known CAP address of the respondent. Notice by mail shall be deemed received by the addressee on the fifth day after mailing, Sundays and legal holidays excluded. Any documents submitted by a respondent must be given to the chairperson.

7. NOTICE: Notices of hearings must be given to the respondent in writing at least seven calendar days in advance and must contain a summary of the allegations or charges, the time, date, and location of the hearing, and a copy of the procedures.

8. PROCEDURES - IF NO RESPONDENT: The Board shall review the preliminary information and thereafter convene at the call of the chairperson. If the respondent does not appear at the hearing, the Board may convene and proceed in an informal manner to conduct its inquiry and investigation, and then prepare its findings and recommendations for the appointing authority's decision.

9. PROCEDURES - WITH RESPONDENT:

General. When one or more respondents are named, the following procedures apply:

a. Hearings. The chairperson shall provide notice of the hearing to the respondent(s) as outlined in Section 7, "Notice." The Board hearings shall be informal in nature with no formal rules of evidence. The chairperson shall rule on all requests, objections, and other matters arising before and during the Board hearing. The Board has the right to call witnesses and consider documentary evidence of all kinds. Board members may question all witnesses.

b. Respondent's Rights. The respondent has the right to be present at the hearing and may represent himself/herself, or be represented by a lawyer without cost to CAP. The respondent may cross-examine the Board's witnesses; call witnesses and present documents and other evidence without cost to CAP.

c. Records of Hearings. There is no requirement to make a verbatim record of the hearing, although the recording or taping of the hearing by the Board is encouraged. If either the Board or the respondent tapes or records the hearing, a copy must be furnished within a reasonable time to the other party. The requesting party shall pay costs of copying.

d. Board Report and Appointing Authority's Decision. At the conclusion of the hearing, the Board shall deliberate and prepare its findings and recommendations. The use of CAP legal officers is encouraged in putting the findings and recommendations in proper form. The Board's report shall be submitted directly to the appointing authority for decision. The appointing authority may approve or disapprove the Board's findings and recommendations, and in appropriate cases, may take more severe action than recommended by the Board. The decision of the appointing authority must be served on the respondent as provided for in Section 6, "Service of Notice."

e. Appeals. Appeals must be filed with the next level of command as provided for in Section 6, "Service of Notice," within 30 days from the date the respondent was served with the decision of the appointing authority. Failure to appeal within the 30-day time limit waives any right of appeal and the decision of the appointing authority is final.

f. Appeal in Writing. There is no right to a personal appearance before the appeal authority. The respondent's appeal must be in writing and state all reasons why the decision of the appointing authority should be reversed or changed.

g. Decision of Appeal Authority. If a proper appeal has been filed, the appeal authority may approve, modify, or reverse the decision of the appointing authority. The decision of the appeal authority is final and no further appeal within CAP is authorized and may not be the subject of any other complaint process within CAP. The respondent will be notified of the decision as provided for in Section 6, "Service of Notice."

10. RECORDS RETENTION: Records of Board proceedings **will** be retained by the **appointing** authority for 2 years from the date of the final decision, unless litigation or other circumstances warrant longer retention.